



February 20, 2004

**ENGROSSED
SENATE BILL No. 71**

DIGEST OF SB 71 (Updated February 17, 2004 11:34 am - DI 75)

Citations Affected: IC 3-5; IC 3-6; IC 3-7; IC 3-8; IC 3-10; IC 3-11; IC 3-11.5; IC 3-12; IC 3-13; IC 3-14; IC 6-1.1.

Synopsis: Various election law matters. Makes several changes in election law concerning: (1) the definition of "chute"; (2) municipal election expenses; (3) the eligibility of individuals to serve as precinct election officers, members of absentee voter boards, absentee ballot counters, and couriers; (4) training of precinct election officers; (5) the rights of watchers; (6) voter registration; (7) the nomination of candidates; (8) political party devices; (9) the withdrawal of candidates; (10) holding municipal elections; (11) the location of precinct polls; (12) persons permitted to be in the polls; (13) jurisdiction of the state recount commission; (14) criminal statutes relating to distribution of slates and electioneering; and (15) school corporation referendum levies. (The introduced version of this bill was prepared by the census data advisory committee.)

Effective: Upon passage; July 1, 2004.

Landske, Breaux

(HOUSE SPONSORS — MAHERN, RICHARDSON)

December 2, 2003, read first time and referred to Committee on Elections and Civic Affairs.

January 8, 2004, amended, reported favorably — Do Pass.

January 12, 2004, read second time, ordered engrossed. Engrossed.

January 26, 2004, read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

February 4, 2004, read first time and referred to Committee on Elections and Apportionment.

February 19, 2004, amended, reported — Do Pass.

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ES 71—LS 6251/DI 75+



February 20, 2004

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

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ENGROSSED SENATE BILL No. 71

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 3-5-2-10, AS AMENDED BY P.L.69-2003,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 10. "Chute" means the area or pathway that
4 extends fifty (50) feet in length, measured from the ~~position where the~~
5 ~~poll worker closest to the door or~~ entrance to the polls. ~~is stationed by~~
6 ~~the inspector~~. If the property line of the polling place is less than fifty
7 (50) feet from the door or entrance to the polling place, the chute is
8 measured from the exterior door or entrance to the polling place to
9 one-half (1/2) the distance to the property line of the polling place
10 **nearest to the entrance to the polls**. Whenever there are two (2) or
11 more doors or entrances to the polls, the inspector of the precinct shall
12 designate one (1) door or entrance as the door for voters to enter for the
13 purpose of voting.

14 SECTION 2. IC 3-5-3-7 IS AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2004]: Sec. 7. All expenses for a municipal
16 primary election or municipal election that is conducted by a county
17 election board shall be allowed by the county executive and shall be

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1 paid out of the general fund of the county, without any appropriation
 2 being required. The county auditor shall certify the amount of that
 3 allowance to the fiscal officer of the municipality **not later than thirty**
 4 **(30) days after the municipal primary or municipal election.** The
 5 fiscal body of the municipality shall make the necessary appropriation
 6 to reimburse the county for the expense of the primary election or
 7 election **not later than December 31 of the year in which the**
 8 **municipal election is conducted.**

9 SECTION 3. IC 3-5-3-8 IS AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2004]: Sec. 8. **(a) Except as provided in**
 11 **subsection (b),** during the period that begins ninety (90) days before
 12 a municipal primary election and continues until the day after the
 13 following municipal election, all expenses of the primary election and
 14 election that cannot be chargeable directly to any municipality shall be
 15 apportioned as follows:

- 16 (1) ~~One-fourth (1/4)~~ **Twenty-five percent (25%)** to the county.
- 17 (2) ~~Three-fourths (3/4)~~ **Seventy-five percent (75%)** to the
 18 municipalities in the county holding the municipal primary
 19 election and municipal election.

20 **(b) The apportionment made under subsection (a) does not**
 21 **apply to a town that has entered into an agreement with the county**
 22 **under IC 3-10-7-4 to pay the county a fixed amount for the**
 23 **expenses described in subsection (a).**

24 SECTION 4. IC 3-5-3-9 IS AMENDED TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2004]: Sec. 9. **(a) Except as provided in**
 26 **subsection (c),** whenever more than one (1) municipality in a county
 27 conducts a municipal primary election, ~~and municipal election,~~ the
 28 ~~three-fourths (3/4)~~ **seventy-five percent (75%)** of expenses that cannot
 29 be chargeable directly to any particular municipality under section 8 of
 30 this chapter shall be apportioned to each municipality in the same ratio
 31 that the number of voters who cast a ballot in the municipality at the
 32 municipal **primary** election bears to the total number of voters who
 33 cast a ballot in all of the municipalities in the county at that municipal
 34 **primary** election.

35 **(b) Except as provided in subsection (c), whenever more than**
 36 **one (1) municipality in a county conducts a municipal election, the**
 37 **seventy-five percent (75%) of expenses that are not chargeable**
 38 **directly to any particular municipality under section 8 of this**
 39 **chapter must be apportioned to each municipality in the same ratio**
 40 **that the number of voters who cast a ballot in the municipality at**
 41 **the municipal election bears to the total number of voters who cast**
 42 **a ballot in all of the municipalities in the county that conducted a**

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municipal election.

(c) The apportionment made under subsection (a) does not apply to a town that has entered into an agreement with the county under IC 3-10-7-4 to pay the county a fixed amount for the expenses described in subsection (a).

SECTION 5. IC 3-5-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 10. The county election board shall, on a form prescribed by the state board of accounts, under IC 3-6-4.1-14, itemize all the expenses of any election for which a municipality is required to reimburse the county.

SECTION 6. IC 3-6-6-7, AS AMENDED BY P.L.199-2001, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) An otherwise qualified person is eligible to serve as a precinct election officer unless any of the following apply:

- (1) The person is unable to read, write, and speak the English language.
- (2) The person has any property bet or wagered on the result of the election.
- (3) The person is a candidate to be voted for at the election **in the precinct**, except as an unopposed candidate for a precinct committeeman or state convention delegate.
- (4) The person is the spouse, parent, father-in-law, mother-in-law, child, son-in-law, daughter-in-law, grandparent, grandchild, brother, sister, brother-in-law, sister-in-law, uncle, aunt, nephew, or niece of a candidate or declared write-in candidate to be voted for at the election in that precinct. This subdivision disqualifies a person whose relationship to the candidate is the result of birth, marriage, or adoption. This subdivision does not disqualify a person from serving as a precinct election officer if the candidate to whom the person is related is an unopposed candidate. **For purposes of this subdivision, an "unopposed candidate" includes an individual whose nomination to an office at a primary election is unopposed by any other candidate within the same political party.**
- (5) The person did not attend training required by section 40 of this chapter.**

(b) In addition to the requirements of subsection (a), a person is not eligible to serve as an inspector if the person is the chairman or treasurer of the committee of a candidate whose name appears on the ballot.

SECTION 7. IC 3-6-6-40, AS ADDED BY P.L.66-2003, SECTION

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1 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
 2 PASSAGE]: Sec. 40. ~~(a)~~ This section applies after December 31, 2003.
 3 ~~(b)~~ **(a)** The county election board shall conduct a training and
 4 educational meeting for precinct election officers.
 5 ~~(c)~~ **(b)** The board shall require inspectors ~~and judges~~ to attend the
 6 meeting and may require other precinct election officers to attend the
 7 meeting.
 8 ~~(d)~~ **(c)** The meeting required under this section must include
 9 information:
 10 (1) relating to making polling places and voting systems
 11 accessible to elderly voters and disabled voters; and
 12 (2) relating to the voting systems used in the county.
 13 The meeting may include other information relating to the duties of
 14 precinct election officers as determined by the county election board.
 15 ~~(e)~~ **(d)** The meeting required by this section must be held not later
 16 than the day before election day.
 17 **(e) If an individual:**
 18 **(1) is appointed as a precinct election officer after the training**
 19 **and educational meeting conducted under this section; or**
 20 **(2) demonstrates to the county election board that the**
 21 **individual was unable to attend the meeting due to good**
 22 **cause;**
 23 **the county election board may authorize the individual to serve as**
 24 **a precinct election officer if the county election board determines**
 25 **that there is insufficient time to conduct the training required by**
 26 **this section.**
 27 SECTION 8. IC 3-6-9-13 IS ADDED TO THE INDIANA CODE
 28 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 29 UPON PASSAGE]: Sec. 13. **A watcher appointed under this chapter**
 30 **is entitled to do the following:**
 31 **(1) Enter the polls at least thirty (30) minutes before the**
 32 **opening of the polls and remain there throughout election day**
 33 **until all tabulations have been completed.**
 34 **(2) Inspect the paper ballot boxes, voting machines, ballot**
 35 **card voting system, or electronic voting system before votes**
 36 **have been cast.**
 37 **(3) Inspect the work being done by any precinct election**
 38 **officer.**
 39 **(4) Enter, leave, and reenter the polls at any time on election**
 40 **day.**
 41 **(5) Witness the calling and recording of the votes, the reading**
 42 **of the totals from the voting machines, and any other**

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proceedings of the precinct election officers in the performance of official duties.

(6) Receive a summary of the vote prepared under IC 3-12-2-15, IC 3-12-2.5-4, IC 3-12-3-2, IC 3-12-3-11, or IC 3-12-3.5-3, signed by the precinct election board, providing:

(A) the names of all candidates of the political party whose primary election is being observed by the watcher and the number of votes cast for each candidate, if the watcher is appointed under section 1(a)(1) of this chapter; or

(B) the names of all candidates at a school board election and the number of votes cast for each candidate if the watcher is appointed under section 1(a)(2) of this chapter.

(7) Accompany the inspector and the judge in delivering the tabulation and the election returns to the county election board by the most direct route.

(8) Be present when the inspector takes a receipt for the tabulation and the election returns delivered to the county election board.

(9) Call upon the election sheriffs to make arrests.

SECTION 9. IC 3-6-10-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.5. A watcher appointed under this chapter is entitled to do the following:

(1) Enter the polls at least thirty (30) minutes before the opening of the polls and remain there throughout election day until all tabulations have been completed.

(2) Inspect the paper ballot boxes, voting machines, ballot card voting system, or electronic voting system before votes have been cast.

(3) Inspect the work being done by any precinct election officer.

(4) Enter, leave, and reenter the polls at any time on election day.

(5) Witness the calling and recording of the votes, the reading of the totals from the voting machines, and any other proceedings of the precinct election officers in the performance of official duties.

(6) Receive a summary of the vote prepared under IC 3-12-2-15, IC 3-12-2.5-4, IC 3-12-3-2, IC 3-12-3-11, or IC 3-12-3.5-3, signed by the precinct election board providing the names of all candidates and the number of votes cast for

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each candidate and the votes cast for or against a public question.

(7) Accompany the inspector and the judge in delivering the tabulation and the election returns to the county election board by the most direct route.

(8) Be present when the inspector takes a receipt for the tabulation and the election returns delivered to the county election board.

SECTION 10. IC 3-7-36-14, AS ADDED BY P.L.126-2002, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) This section applies to a person described in subsection (b) who applies to register to vote during the period:

- (1) beginning on the date that the certified list of voters is prepared under IC 3-7-29-1; and
- (2) ending at noon election day.

(b) An absent uniformed services voter who is absent from Indiana during the registration period described in IC 3-7-13-10 and who otherwise would be entitled to register to vote under Indiana law may, upon returning to Indiana during the period described in subsection (a) following discharge from service or reassignment, register to vote by doing the following:

(1) Showing either of the following to the ~~circuit court clerk~~ **county voter registration office**:

(A) A discharge from service, dated not earlier than the beginning of the registration period that ended on the date described in IC 3-7-13-11, of:

- (i) the voter;
- (ii) the voter's spouse; or
- (iii) the individual of whom the voter is a dependent.

(B) A copy of the government movement orders, with a reporting date not earlier than the beginning of the registration period that ended on the date described in IC 3-7-13-11, of:

- (i) the voter;
- (ii) the voter's spouse; or
- (iii) the individual of whom the voter is a dependent.

(2) Completing a registration affidavit.

(c) A voter who registers under this section may vote at the upcoming election only by absentee ballot at the office of the circuit court clerk at the time the voter registers under this section or at any time after the voter registers under this section and before noon on election day. A voter who wants to vote under this subsection must do

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- 1 both of the following:
- 2 (1) Complete an application for an absentee ballot.
- 3 (2) Sign an affidavit that the voter has not voted at any other
- 4 precinct in the election.

5 The voter may vote at subsequent elections as otherwise provided in
6 this title.

7 (d) If the voter votes by absentee ballot under this section, the
8 circuit court clerk shall do the following:

- 9 (1) Certify in writing that the voter registered under this section.
- 10 (2) Attach the certification to the voter's absentee ballot envelope.

11 (e) If the county has a board of registration, **the board of**
12 **registration shall promptly deliver the voter's registration affidavit**
13 **to the circuit court clerk shall promptly mail or deliver the voter's**
14 **registration affidavit to the board of registration: permit the voter to**
15 **vote under subsection (c).**

16 (f) If the voter chooses not to vote under subsection (c), the ~~clerk or~~
17 **board county voter registration office** shall register the voter on the
18 first day of the next registration period.

19 SECTION 11. IC 3-8-6-4 IS AMENDED TO READ AS FOLLOWS
20 [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Each candidate
21 nominated by petition under section 2 of this chapter must be seeking
22 an office that serves the entire state or a congressional or legislative
23 district, or the same political subdivision.

24 (b) **For purposes of subsection (a), candidates seeking a fiscal or**
25 **legislative body seat elected only by the voters of a district within**
26 **a county or municipality and candidates seeking an office to be**
27 **voted on by all the voters of the county or municipality are**
28 **considered to be seeking offices that serve the same political**
29 **subdivision.**

30 (c) An independent candidate may not include the name of any other
31 candidate on the petition **or request to be placed on the ballot as**
32 **associated with any other candidate**, except for the other candidate
33 included on ~~a~~ **an independent** ticket for President and Vice President
34 of the United States or governor and lieutenant governor.

35 SECTION 12. IC 3-8-6-5, AS AMENDED BY P.L.202-1999,
36 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 UPON PASSAGE]: Sec. 5. (a) A petition of nomination must state all
38 of the following:

- 39 (1) The name of each candidate as:
 - 40 (A) the candidate wants the candidate's name to appear on the
 - 41 ballot; and
 - 42 (B) the candidate's name is permitted to appear on the ballot

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- 1 under IC 3-5-7.
- 2 (2) The address of each candidate, including the mailing address,
- 3 if different from the residence address of the candidate.
- 4 (3) The office that each candidate seeks.
- 5 (4) The information required under IC 3-10-4-5, if the petition
- 6 nominates candidates for presidential electors.
- 7 (5) That the petitioners desire and are registered and qualified to
- 8 vote for each candidate.
- 9 **(6) Whether the candidate is affiliated with the same political**
- 10 **party as any other candidate or group of candidates that has**
- 11 **filed or will be filing a petition of nomination with the county**
- 12 **voter registration office under section 10 of this chapter. This**
- 13 **subdivision:**
- 14 **(A) applies after December 31, 2004; and**
- 15 **(B) does not apply to an independent candidate.**
- 16 (b) A petition of nomination ~~may~~ **must:**
- 17 (1) designate a brief name of the political party that the candidates
- 18 represent; ~~or~~
- 19 (2) indicate that the candidate is an independent candidate; ~~or~~
- 20 ~~together with a simple figure or device by which its lists of~~
- 21 ~~candidates may be designated on the ballot.~~
- 22 **(3) indicate that the candidates are an independent ticket.**
- 23 **(c) If a political party has previously filed a device with the**
- 24 **election division under IC 3-8-7-11, the petition may incorporate**
- 25 **that device by reference in the petition. If a political party has not**
- 26 **previously filed a device under IC 3-8-7-11, or the petition is for an**
- 27 **independent ticket, the petition of nomination may include a device**
- 28 **for designating the party or ticket on the ballot.**
- 29 SECTION 13. IC 3-8-6-5.5 IS AMENDED TO READ AS
- 30 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.5. (a) This
- 31 section applies to a petition of nomination which states that a candidate
- 32 is affiliated with a political party.
- 33 (b) If a candidate claims affiliation with a political party:
- 34 (1) described by IC 3-8-4-1;
- 35 (2) of a candidate who has previously filed a petition of
- 36 nomination under ~~IC 3-8-6;~~ **this chapter;** or
- 37 (3) whose name would result in voter confusion due to its
- 38 similarity with the name of a political party described in
- 39 subdivision (1) or (2);
- 40 a registered voter of the election district may question the validity of
- 41 the filing in accordance with IC 3-8-1-2.
- 42 **(c) If the voter affirms under subsection (b) that:**

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- 1 **(1) the candidate is not the nominee of the political party**
- 2 **described in subsection(b)(1);**
- 3 **(2) the candidate is not affiliated with the political party**
- 4 **described in subsection(b)(2); or**
- 5 **(3) the name of the political party set forth in the petition**
- 6 **would cause voter confusion under subsection (b)(3);**

7 the commission or county election board shall determine the validity
8 of the questioned filing under section 14 of this chapter.

9 ~~(c)~~ **(d)** Following the filing of a question under subsection ~~(b)~~ **(b)(3)**
10 and not later than the deadline for resolution of a question concerning
11 a petition under section 14 of this chapter, all candidates named in the
12 petition may file a joint written amendment to the petition to alter the
13 name of the political party or to indicate that the candidates are
14 independent.

15 ~~(d)~~ **(e)** If:
16 (1) the commission or county election board determines that the
17 party affiliation stated on the petition is described under
18 subsection (b) **and that the affirmation of the voter under**
19 **subsection (c) is correct;** and

20 (2) **in the case of a determination under subsection (c)(3),** the
21 candidates do not file an amendment under subsection ~~(c)~~ **(d)**;
22 the commission or board shall deny the filing.

23 SECTION 14. IC 3-8-7-28 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 28. (a) Except as
25 provided in subsections (b) and (c), if a nominee certified under this
26 chapter, **IC 3-8-5, IC 3-8-6, or IC 3-10-1** desires to withdraw ~~from the~~
27 ~~ticket, as the nominee,~~ the nominee must file a notice of withdrawal in
28 writing with the public official with whom the certificate of nomination
29 was filed by noon:

- 30 (1) July 15 before a general or municipal election; ~~or~~
- 31 (2) **August 1 before a municipal election in a town subject to**
- 32 **IC 3-8-5-10;**
- 33 (3) **on the date specified for town convention nominees under**
- 34 **IC 3-8-5-14.5;**
- 35 (4) **on the date specified for declared write-in candidates**
- 36 **under IC 3-8-2-2.7; or**
- 37 (5) forty-five (45) days before a special election.

38 (b) A candidate who is disqualified from being a candidate under
39 IC 3-8-1-5 must file a notice of withdrawal immediately upon
40 becoming disqualified. The filing requirements of subsection (a) do not
41 apply to a notice of withdrawal filed under this subsection.

42 (c) A candidate who has moved from the election district the

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1 candidate sought to represent must file a notice of withdrawal
2 immediately after changing the candidate's residence. The filing
3 requirements of subsection (a) do not apply to a notice of withdrawal
4 filed under this subsection.

5 SECTION 15. IC 3-10-1-14.1 IS ADDED TO THE INDIANA
6 CODE AS A NEW SECTION TO READ AS FOLLOWS
7 [EFFECTIVE UPON PASSAGE]: **Sec. 14.1. (a) All the candidates**
8 **for each office who have qualified in the manner prescribed by**
9 **IC 3-8 for placement on the primary election ballot shall be**
10 **grouped together under the name of the office and printed in type**
11 **with uniform capital letters, with uniform space between each**
12 **name. At the head of each group where only one (1) candidate for**
13 **each group is to be voted for, the words "vote for one (1) only"**
14 **shall be printed. If more than one (1) candidate in a group is to be**
15 **voted for, the number to be voted for shall be specified at the head**
16 **of the group.**

17 (b) This subsection does not apply to a candidate for a political
18 party office. A candidate's given name and surname as set forth in
19 the candidate's voter registration record shall be printed in full.

20 (c) In addition to the candidate's given name and surname, the
21 candidate may use:

- 22 (1) initials; or
 - 23 (2) a nickname by which the candidate is commonly known;
- 24 if the candidate's choice of initials or nickname does not exceed
25 twenty (20) characters. Any nickname used must appear in
26 parentheses between the candidate's given name and the
27 candidate's surname.

28 (d) A candidate may not use a designation such as a title or
29 degree or a nickname that implies a title or degree.

30 (e) A candidate's name must be printed on the ballot exactly as
31 the name appears on the candidate's certificate of nomination,
32 petition of nomination, or declaration of candidacy.

33 SECTION 16. IC 3-10-1-15 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. Each political
35 party holding a primary election shall have a separate ticket, either in
36 printed ballot form as prescribed by sections 13 and ~~14~~ 14.1 of this
37 chapter, or on separate ballot labels. The name of each candidate who
38 has qualified under IC 3-8 shall be placed on the ballot under a
39 designation of the office for which the person is a candidate. However,
40 the name of a candidate may not appear on the ballot of more than one
41 (1) party for the same office.

42 SECTION 17. IC 3-10-6-7.5 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 7.5. (a) Subject to
2 subsection (b), an election may not be held for a municipal office if:

3 (1) there is only one (1) nominee for the office **or only one (1)**
4 **person has filed a declaration of intent to be a write-in**
5 **candidate for the office under IC 3-8-2-2.5; and**

6 (2) no person has filed a declaration of intent to be a write-in
7 candidate for the office under IC 3-8-2-2.5 **that results in a**
8 **contest for election to the same municipal office.**

9 (b) Except as provided in subsection (c), if there is an election for
10 any office of the municipality, all nominees for each office must be on
11 the ballot.

12 (c) If:

13 (1) there is an election for at least one (1) of a municipality's
14 legislative body members;

15 (2) only the voters who reside in a legislative body district are
16 eligible to vote in the election for a legislative body member; and

17 (3) there is no election for an office to be voted on by all voters of
18 the municipality;

19 the county election board may, by unanimous vote of the entire
20 membership of the board, adopt a resolution providing that an election
21 will be held only in the legislative body districts within the
22 municipality in which voters will elect legislative body members under
23 subdivision (2). The names of unopposed candidates for an office to be
24 voted on by all voters of the municipality shall not be placed on the
25 ballot used for the election of municipal legislative body members
26 under this subsection.

27 SECTION 18. IC 3-10-7-4, AS AMENDED BY P.L.66-2003,
28 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2004]: Sec. 4. (a) A county election board and a town may
30 enter into a written agreement providing that the county election board
31 will conduct a municipal **primary or a municipal** election, **or both**,
32 in the town.

33 (b) A town that enters into an agreement described in subsection (a)
34 shall continue to nominate candidates by convention conducted under
35 IC 3-8-5 or by petition filed under IC 3-8-6 unless the town nominates
36 candidates in a primary election as provided in IC 3-8-5-2.

37 (c) An agreement may not be entered into after ~~July 1~~ **September**
38 **21** of a year in which a municipal election is to be held in the town.

39 (d) A county election board that enters into an agreement under this
40 section shall conduct the municipal election in the same manner as it
41 conducts a general election in a town that has a population of three
42 thousand five hundred (3,500) or more.

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1 SECTION 19. IC 3-10-7-6 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 6. (a) A municipal
3 election conducted under this chapter shall be held at the time
4 prescribed by IC 3-10-6.

5 (b) Subject to subsection (c), an election may not be held for a
6 municipal office if:

7 (1) there is only one (1) nominee for the office **or only one (1)**
8 **person has filed a declaration of intent to be a write-in**
9 **candidate for the office under IC 3-8-2-2.5; and**

10 (2) no person has filed a declaration of intent to be a write-in
11 candidate for the office under IC 3-8-2-2.5 **that results in a**
12 **contest for election to the same municipal office.**

13 (c) Except as provided in subsection (d), if there is an election for
14 any office of the municipality, all nominees for each office must be on
15 the ballot.

16 (d) If:

17 (1) there is an election for at least one (1) of the town's legislative
18 body members;

19 (2) only the voters who reside in a legislative body district are
20 eligible to vote in the election for a legislative body member; and

21 (3) there is no election for an office to be voted on by all voters of
22 the town;

23 the county election board (or town election board if that board is
24 conducting the election under this chapter) may, by unanimous vote of
25 the entire membership of the board, adopt a resolution providing that
26 an election will be held only in the legislative body districts within the
27 town in which voters will elect legislative body members under
28 subdivision (2). The names of unopposed candidates for an office to be
29 voted on by all voters of the town shall not be placed on the ballot used
30 for the election of town legislative body members under this
31 subsection.

32 SECTION 20. IC 3-11-1.5-15, AS AMENDED BY P.L.212-2001,
33 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 UPON PASSAGE]: Sec. 15. The order described in section 14 of this
35 chapter must include the following:

36 (1) A map of each precinct to be established by the proposed
37 order. A county may submit maps required by this subdivision in
38 electronic form.

39 (2) A description of the boundaries of each precinct to be
40 established by the proposed order that identifies any census
41 blocks located entirely within the precinct.

42 (3) An estimated number of voters in each precinct to be

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1 established by the proposed order, based on the registration
2 records maintained by the ~~circuit court clerk or board of county~~
3 **voter registration office.**

4 (4) A statement designating a polling place for the precinct that
5 complies with the polling place accessibility requirements
6 adopted by the ~~commission~~: **under IC 3-11-8.**

7 (5) Any additional information required by rules adopted by the
8 commission under IC 4-22-2.

9 SECTION 21. IC 3-11-2-6 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The device
11 named and list of nominees shall be placed on the ballots as follows:

12 (1) The major political party whose candidate received the highest
13 number of votes in the county for secretary of state at the last
14 election in the first column or row on the left side of all ballots.

15 (2) The major political party whose candidate received the second
16 highest number of votes in the county for secretary of state at the
17 last election in the second column or row.

18 (3) Any other political party in the same order.

19 (b) If a political party did not have a candidate for secretary of state
20 in the last election or a nominee is an independent candidate (or an
21 **independent ticket for President and Vice President of the United**
22 **States or for governor and lieutenant governor),** the party or
23 independent candidate or ticket shall be placed on the ballot after the
24 parties described in subsection (a). If more than one (1) political party
25 or independent candidate or ticket that has qualified to be on the ballot
26 did not have a candidate for secretary of state in the last election, those
27 parties, candidates, or tickets shall be listed on the ballot in the order
28 in which the party filed its petition of nomination under IC 3-8-6-12.

29 (c) A column or row for write-in voting shall be placed to the right
30 of all party and independent columns on the ballot.

31 (d) This subsection applies to a county having a population of more
32 than four hundred thousand (400,000) but less than seven hundred
33 thousand (700,000). If there is insufficient room on a row to list each
34 candidate of a political party, a second or subsequent row may be
35 utilized. However, a second or subsequent row may not be utilized
36 unless the first row, and all preceding rows, have been filled.

37 SECTION 22. IC 3-11-2-9 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. The device of
39 each political party or independent ticket **described in section 6 of this**
40 **chapter** shall be:

41 (1) enclosed in a circle not less than three-fourths (3/4) of an inch
42 in diameter; and

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1 (2) placed under the name of the party or independent ticket, as
2 required by section 10 of this chapter.

3 SECTION 23. IC 3-11-2-10 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) The name
5 or title of the political party or independent ticket **described in section**
6 **6 of this chapter** shall be placed at the top of the ballot. The device of
7 the political party or independent ~~candidate~~ ticket shall be placed
8 immediately under the name of the political party or independent ticket.
9 The instructions for voting a straight party ticket shall be placed to the
10 right of the device, or if the ballot is part of a direct recording
11 electronic voting system:

12 (1) the instructions for voting a straight party ticket; and
13 (2) the statement concerning presidential electors required under
14 IC 3-10-4-3;

15 may be posted in any location within the voting booth that permits the
16 voter to easily read the instructions instead of on the ballot face.

17 (b) The instructions for voting a straight party ticket must conform
18 as nearly as possible to the following: "To vote a straight (insert
19 political party name) ticket for all (political party name) candidates on
20 this ballot, make a voting mark on or in this circle and do not make any
21 other marks on this ballot. If you wish to vote for a candidate seeking
22 a nonpartisan office or on a public question, you must make another
23 voting mark on the appropriate place on this ballot."

24 (c) If the ballot contains an independent ticket **described in section**
25 **6 of this chapter** and at least one (1) other independent candidate, the
26 ballot must also contain a statement that reads substantially as follows:
27 "A vote cast for an independent ticket will only be counted for the
28 candidates for President and Vice President or governor and lieutenant
29 governor comprising that independent ticket. This vote will NOT be
30 counted for any OTHER independent candidate appearing on the
31 ballot."

32 (d) The ballot must also contain a statement that reads substantially
33 as follows: "A write-in vote will NOT be counted unless the vote is for
34 a DECLARED write-in candidate. To vote for a write-in candidate, you
35 must make a voting mark on or in the square to the left of the name you
36 have written in or your vote will not be counted."

37 (e) Except for variations in ballot arrangement permitted for voting
38 machines under IC 3-11-12-7, ballot card voting systems under
39 IC 3-11-13-11, or electronic voting systems under IC 3-11-14-7, the list
40 of candidates of the political party shall be placed immediately under
41 the instructions for voting a straight party ticket. The names of the
42 candidates shall be placed three-fourths (3/4) of an inch apart from

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1 center to center of the name. The name of each candidate must have,
2 immediately on its left, a square three-eighths (3/8) of an inch on each
3 side.

4 (f) The election division or the circuit court clerk may authorize the
5 printing of ballots containing a ballot variation code to ensure that the
6 proper version of a ballot is used within a precinct.

7 SECTION 24. IC 3-11-8-4.3 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.3. If a precinct
9 contains less than two hundred fifty (250) active voters, the county
10 election board adopts an order by the unanimous vote of the entire
11 membership of the board, the county executive may locate the polls
12 for the precinct at the polls for an adjoining precinct, using the precinct
13 election board of the adjoining precinct. **An order adopted under this
14 section expires December 31 after the date the order was adopted.**

15 SECTION 25. IC 3-11-8-15, AS AMENDED BY P.L.209-2003,
16 SECTION 130, IS AMENDED TO READ AS FOLLOWS
17 [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) **Only the following**
18 **persons other than are permitted in the polls during an election:**

- 19 (1) Members of a precinct election board.
- 20 (2) Poll clerks and assistant poll clerks.
- 21 (3) Election sheriffs.
- 22 (4) Deputy election commissioners.
- 23 (5) Pollbook holders.
- 24 (6) Watchers. ~~and~~
- 25 (7) **Voters for the purposes of voting.**
- 26 (8) Minor children accompanying voters as provided under
27 IC 3-11-11-8 and IC 3-11-12-29. ~~and~~
- 28 (8) (9) An assistant to a precinct election officer appointed under
29 IC 3-6-6-39.

30 are not permitted in the polls during an election except for the purpose
31 of voting:

- 32 (10) **An individual authorized to assist a voter in accordance**
33 **with IC 3-11-9.**
- 34 (11) **A member of a county election board, acting on behalf of**
35 **the board.**
- 36 (12) **A mechanic authorized to act on behalf of a county**
37 **election board to repair a voting system (if the mechanic bears**
38 **credentials signed by each member of the board).**
- 39 (13) **Either of the following who have been issued credentials**
40 **signed by the members of the county election board:**
 - 41 (A) **The county chairman of a political party.**
 - 42 (B) **The county vice chairman of a political party.**

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1 (b) This subsection applies to a simulated election for minors
 2 conducted with the authorization of the county election board. An
 3 individual participating in the simulated election may be in the polls for
 4 the purpose of voting. A person supervising the simulated election may
 5 be in the polls to perform the supervision.

6 (c) The inspector of a precinct has authority over all simulated
 7 election activities conducted under subsection (b) and shall ensure that
 8 the simulated election activities do not interfere with the election
 9 conducted in that polling place.

10 SECTION 26. IC 3-11-10-36 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 36. (a) Each county
 12 election board shall appoint absentee voter boards.

13 (b) The absentee voter boards must consist of two (2) voters of the
 14 county, one (1) from each of the two (2) political parties that have
 15 appointed members on the county election board. If a special election
 16 is held for a local public question, the county election board may, by
 17 unanimous vote of the entire membership of the board, adopt a
 18 resolution to provide that the party membership requirement does not
 19 apply to absentee voter boards appointed to conduct the special
 20 election. A resolution adopted under this subsection may not be
 21 repealed and expires the day after the special election.

22 (c) An otherwise qualified person is eligible to serve on an absentee
 23 voter board unless the person:

- 24 (1) is unable to read, write, and speak the English language;
 25 (2) has any property bet or wagered on the result of the election;
 26 (3) is a candidate to be voted for at the election, except as an
 27 unopposed candidate for precinct committeeman or state
 28 convention delegate; or
 29 (4) is the spouse, parent, father-in-law, mother-in-law, child,
 30 son-in-law, daughter-in-law, grandparent, grandchild, brother,
 31 sister, brother-in-law, sister-in-law, uncle, aunt, nephew, or niece
 32 of a candidate or declared write-in candidate to be voted for at the
 33 election, except as an unopposed candidate. This subdivision
 34 disqualifies a person whose relationship to the candidate is the
 35 result of birth, marriage, or adoption.

36 **(d) A person who is a candidate to be voted for at the election or**
 37 **who is related to a candidate in a manner that would result in**
 38 **disqualification under subsection (c) may, notwithstanding**
 39 **subsection (c), serve as a member of an absentee voter board if:**

- 40 **(1) the candidate is seeking nomination or election to an office**
 41 **in an election district that does not consist of the entire**
 42 **county; and**

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1 **(2) the county election board restricts the duties of the person**
2 **as an absentee voter board member to performing functions**
3 **that could have no influence on the casting or counting of**
4 **absentee ballots within the election district.**

5 SECTION 27. IC 3-11.5-4-22, AS AMENDED BY P.L.14-2000,
6 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 UPON PASSAGE]: Sec. 22. (a) Except as provided in subsection (b),
8 each county election board shall appoint:

- 9 (1) absentee voter boards;
- 10 (2) teams of absentee ballot counters; and
- 11 (3) teams of couriers;

12 consisting of two (2) voters of the county, one (1) from each of the two
13 (2) political parties that have appointed members on the county
14 election board.

15 (b) Notwithstanding subsection (a), a county election board may
16 appoint, by a unanimous vote of the board's members, only one (1)
17 absentee ballot courier if the person appointed is a voter of the county.

18 (c) An otherwise qualified person is eligible to serve on an absentee
19 voter board or as an absentee ballot counter or a courier unless the
20 person:

- 21 (1) is unable to read, write, and speak the English language;
- 22 (2) has any property bet or wagered on the result of the election;
- 23 (3) is a candidate to be voted for at the election except as an
24 unopposed candidate for precinct committeeman or state
25 convention delegate; or
- 26 (4) is the spouse, parent, father-in-law, mother-in-law, child,
27 son-in-law, daughter-in-law, grandparent, grandchild, brother,
28 sister, brother-in-law, sister-in-law, uncle, aunt, nephew, or niece
29 of a candidate or declared write-in candidate to be voted for at the
30 election except as an unopposed candidate. This subdivision
31 disqualifies a person whose relationship to the candidate is the
32 result of birth, marriage, or adoption.

33 **(d) A person who is a candidate to be voted for at the election or**
34 **who is related to a candidate in a manner that would result in**
35 **disqualification under subsection (c) may, notwithstanding**
36 **subsection (c), serve as a member of an absentee voter board if:**

- 37 **(1) the candidate is seeking nomination or election to an office**
38 **in an election district that does not consist of the entire**
39 **county; and**
- 40 **(2) the county election board restricts the duties of the person**
41 **as an absentee voter board member to performing functions**
42 **that could have no influence on the casting or counting of**

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1 **absentee ballots within the election district.**
2 SECTION 28. IC 3-12-10-4 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The state
4 recount commission shall conduct recount proceedings under
5 IC 3-12-11 resulting from:

- 6 (1) a presidential primary election;
- 7 (2) the nomination of a candidate to a federal, state, or legislative
8 office in a primary election; or
- 9 (3) an election for a federal, state, or legislative office.

10 (b) The state recount commission shall conduct contest proceedings
11 under IC 3-12-11 resulting from:

- 12 (1) a presidential primary election;
- 13 (2) the nomination of a candidate to a federal, state, or legislative
14 office in a primary election; or
- 15 (3) an election for a **federal, state, or legislative** office. ~~other than~~
16 ~~governor or lieutenant governor.~~

17 SECTION 29. IC 3-13-11-16 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. In accordance
19 with section 12 of this chapter, if a chief deputy employee does not
20 exist in the office of **clerk or** clerk-treasurer of a city or town, or the
21 chief deputy employee declines or is ineligible to serve, the mayor of
22 the city or the president of the town council shall appoint, as soon as is
23 reasonably possible, a person to assume the duties of the office until the
24 office is filled under this chapter.

25 SECTION 30. IC 3-14-3-16, AS AMENDED BY P.L.66-2003,
26 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 UPON PASSAGE]: Sec. 16. (a) As used in this section,
28 "electioneering" includes expressing support or opposition to any
29 candidate or political party or expressing approval or disapproval of
30 any public question in any manner that could reasonably be expected
31 to convey that support or opposition to another individual.

- 32 (b) A person who knowingly does any electioneering:
 - 33 (1) on election day within:
 - 34 (A) the polls; or
 - 35 (B) ~~fifty (50) feet of the entrance to the polls; chute;~~ or
 - 36 (2) within an area in the office of the circuit court clerk **or a**
37 **satellite office of the circuit court clerk established under**
38 **IC 3-11-10-26.3** used by an absentee voter board to permit an
39 individual to cast an absentee ballot;
40 commits a Class A misdemeanor.

41 SECTION 31. IC 6-1.1-19-4.5, AS AMENDED BY P.L.66-2003,
42 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2004]: Sec. 4.5. (a) With respect to every appeal petition that
 2 is delivered to the tax control board by the department of local
 3 government finance under section 4.1 of this chapter and that includes
 4 a request for emergency financial relief (except an appeal petition
 5 described in section 4.7 of this chapter), the tax control board shall,
 6 after having made the study of the appeal petition and related materials
 7 that the tax control board considers necessary, make an appropriate
 8 recommendation to the department of local government finance. If the
 9 appeal petition requests an excessive tax levy under subsection (c), the
 10 tax control board shall expedite the board's review as necessary to
 11 permit the referendum to be conducted without a special election. In
 12 respect of the appeal petition, the tax control board may make to the
 13 department of local government finance any of the recommendations
 14 described in section 4.4(a) of this chapter, subject to the limitations
 15 described in section 4.4(b) of this chapter.

16 (b) In addition, if the tax control board concludes that the appellant
 17 school corporation cannot, in the ensuing calendar year, carry out the
 18 public educational duty committed to the appellant school corporation
 19 by law if, for the ensuing calendar year, the appellant school
 20 corporation does not receive emergency financial relief, the tax control
 21 board may recommend to the department of local government finance
 22 that the order of the county board of tax adjustment or the county
 23 auditor in respect of the budget, tax levy, or tax rate of the appellant
 24 school corporation be approved, or disapproved and modified, as
 25 specified in the tax control board's recommendation and that the
 26 appellant school corporation receive emergency financial relief from
 27 the state, on terms to be specified by the tax control board in the board's
 28 recommendation, in the form of:

- 29 (1) a grant or grants from any funds of the state that are available
 30 for such a purpose;
 31 (2) a loan or loans from any funds of the state that are available
 32 for such a purpose;
 33 (3) permission to the appellant school corporation to borrow funds
 34 from a source other than the state or assistance in obtaining the
 35 loan;
 36 (4) an advance or advances of funds that will become payable to
 37 the appellant school corporation under any law providing for the
 38 payment of state funds to school corporations;
 39 (5) permission to the appellant school corporation to:
 40 (A) cancel any unpaid obligation of the appellant school
 41 corporation's general fund to the appellant school corporation's
 42 cumulative building fund; or

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1 (B) use, for general fund purposes, any unobligated balance in
 2 the appellant school corporation's cumulative building fund
 3 and the proceeds of any levy made or to be made by the
 4 appellant school corporation for the appellant school
 5 corporation's cumulative building fund;
 6 (6) permission to use, for general fund purposes, any unobligated
 7 balance in any construction fund, including any unobligated
 8 proceeds of a sale of the school corporation's general obligation
 9 bonds; or
 10 (7) a combination of the emergency financial relief described in
 11 subdivisions (1) through (6).
 12 (c) In addition to, or in lieu of, any recommendation that the tax
 13 control board may make under this section, the tax control board may
 14 recommend that the appellant school corporation be permitted to make
 15 a referendum tax levy for the ensuing calendar year under this
 16 subsection. The recommendation may not be put into effect until a
 17 majority of the individuals who vote in a referendum that is conducted
 18 in accordance with the following requirements approves the appellant
 19 school corporation's making a referendum tax levy for the ensuing
 20 calendar year:
 21 (1) Whenever:
 22 (A) the tax control board recommends to the department of
 23 local government finance that the appellant school corporation
 24 be permitted to make a referendum tax levy for the ensuing
 25 calendar year if a majority of the individuals voting in a
 26 referendum held in the appellant school corporation approves
 27 the appellant school corporation's making a referendum tax
 28 levy;
 29 (B) the department of local government finance gives the
 30 board's written approval of the recommendation; and
 31 (C) the appellant school corporation requests that the tax
 32 control board take the steps necessary to cause a referendum
 33 to be conducted;
 34 the tax control board shall proceed in accordance with this
 35 subsection.
 36 (2) The question to be submitted to the voters in the referendum
 37 must read as follows:
 38 "For the __ (insert number) calendar year or years immediately
 39 following the holding of the referendum, shall the school
 40 corporation impose a property tax rate that does not exceed
 41 _____ (insert amount) cents (\$0. __) (insert amount)
 42 on each one hundred dollars (\$100) of assessed valuation and

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that is in addition to the school corporation's normal tax rate?".
The voters in a referendum may not approve a referendum tax
levy that is imposed for more than seven (7) years. However, a
referendum tax levy may be reimposed or extended under this
subsection.

(3) The tax control board shall act under IC 3-10-9-3 to certify the
question to be voted on at the referendum to the county election
board of each county in which any part of the appellant school
corporation lies. Each county clerk shall, upon receiving the
question certified by the tax control board, call a meeting of the
county election board to make arrangements for the referendum.
The referendum shall be held in the next primary or general
election in which **all the registered voters who are** residents of
the appellant school corporation are entitled to vote after
certification of the question under IC 3-10-9-3. However, if the
referendum would be held at a primary or general election more
than six (6) months after certification by the tax control board, the
referendum shall be held at a special election to be conducted not
less than ninety (90) days after the question is certified to the
circuit court clerk or clerks by the tax control board. The
appellant school corporation shall advise each affected county
election board of the date on which the appellant school
corporation desires that the referendum be held, and, if
practicable, the referendum shall be held on the day specified by
the appellant school corporation. The referendum shall be held
under the direction of the county election board, which shall take
all steps necessary to carry out the referendum. **If a primary
election, general election, or special election is held during the
sixty (60) days preceding or following the special election
described in this subdivision and is held in an election district
that includes some, but not all, of the school corporation, the
county election board may also adopt orders to specify when
the registration period for the elections cease and resume
under IC 3-7-13-10.** Not less than ten (10) days before the date
on which the referendum is to be held, the county election board
shall cause notice of the question that is to be voted upon at the
referendum to be published in accordance with IC 5-3-1. If the
referendum is not conducted at a primary or general election, the
appellant school corporation in which the referendum is to be held
shall pay all of the costs of holding the referendum.

(4) Each county election board shall cause the question certified
to the circuit court clerk by the tax control board to be placed on

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the ballot in the form prescribed by IC 3-10-9-4. The county election board shall also cause an adequate supply of ballots and voting equipment to be delivered to the precinct election board of each precinct in which the referendum is to be held.

(5) The individuals entitled to vote in the referendum are all of the registered voters resident in the appellant school corporation.

(6) Each precinct election board shall count the affirmative votes and the negative votes cast in the referendum and shall certify those two (2) totals to the county election board of each county in which the referendum is held. The circuit court clerk of each county shall, immediately after the votes cast in the referendum have been counted, certify the results of the referendum to the tax control board. Upon receiving the certification of all of the votes cast in the referendum, the tax control board shall promptly certify the result of the referendum to the department of local government finance. If a majority of the individuals who voted in the referendum voted "yes" on the referendum question, the department of local government finance, upon being notified in the manner described in this subsection of the result of the referendum, shall take prompt and appropriate steps to notify the appellant school corporation that the appellant school corporation is authorized to collect, for the calendar year that next follows the calendar year in which the referendum is held, a referendum tax levy not greater than the amount approved in the referendum. The referendum tax levy may be imposed for the number of calendar years approved by the voters following the referendum for the school corporation in which the referendum is held. If a majority of the individuals who voted in the referendum voted "yes" on the referendum question, the school corporation shall establish a referendum tax levy fund under IC 21-2-11.6. A school corporation's referendum tax levy may not be considered in the determination of the school corporation's state tuition support under IC 21-3-1.7 or the determination of the school corporation's maximum general fund tax levy under this chapter and IC 21-3-1.7. **The following apply** if a majority of the persons who voted in the referendum did not vote "yes" on the referendum question:

(A) The appellant school corporation may not make any tax levy for its general fund other than a normal tax levy. ~~and~~

(B) **If the referendum is held at a primary or general election, another referendum under this subsection may not be held before the earlier of:**

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1 **(i) the next primary election or general election that**
 2 **occurs at least eleven (11) months after the date of the**
 3 **referendum; or**
 4 **(ii) one (1) year after the date of the referendum.**
 5 **(C) If the referendum is held at a special election,** another
 6 referendum under this subsection may not be held for a period
 7 of one (1) year after the date of the referendum.
 8 (d) With respect to any school corporation to which a loan or
 9 advance of state funds is made under this section, or for which such a
 10 loan or an advance is recommended, for purposes other than the
 11 purpose specified in section 4.7 of this chapter, the tax control board
 12 may recommend to the department of local government finance that the
 13 school corporation be authorized, for a specified calendar year, and
 14 solely for the purpose of enabling the school corporation to repay the
 15 loan or advance, to collect an excessive tax levy. A recommendation
 16 under this subsection must specify the amount of the recommended
 17 excessive tax levy. Upon receiving the recommendation from the tax
 18 control board, and without any other proceeding, the department of
 19 local government finance may authorize the school corporation, for a
 20 specified calendar year, to make an excessive tax levy in accordance
 21 with the recommendation of the tax control board or in accordance with
 22 a modification of the recommendation that the department of local
 23 government finance determines is proper. Whenever the department of
 24 local government finance exercises the power given to the department
 25 of local government finance under this subsection, the department of
 26 local government finance shall, in the department's order to the affected
 27 school corporation, specify the amount of the authorized excessive tax
 28 levy and take appropriate steps to ensure that so much of the proceeds
 29 of the excessive tax levy as should be used for loan repayment purposes
 30 is not used for any other purpose. The department of local government
 31 finance may not exercise the power described in this subsection to
 32 authorize any school corporation to collect an excessive tax levy for
 33 more than one (1) calendar year in any period of four (4) consecutive
 34 calendar years.
 35 SECTION 32. IC 3-10-1-14 IS REPEALED [EFFECTIVE UPON
 36 PASSAGE].
 37 SECTION 33. **An emergency is declared for this act.**

C
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Y



SENATE MOTION

Madam President: I move that Senator Breaux be added as second author of Senate Bill 71.

LANDSKE

**C
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COMMITTEE REPORT

Madam President: The Senate Committee on Elections and Civic Affairs, to which was referred Senate Bill No. 71, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 16, strike "One-fourth (1/4)" and insert "**Twenty-five percent (25%)**".

Page 2, line 17, strike "Three-fourths (3/4)" and insert "**Seventy-five percent (75%)**".

Page 2, line 25, delete "(b)" and insert "(c)".

Page 2, line 26, after "primary election" insert ",".

Page 2, line 26, strike "and municipal election,".

Page 2, line 27, strike "three-fourths (3/4)" and insert "**seventy-five percent (75%)**".

Page 2, line 30, after "municipal" insert "**primary**".

Page 2, line 32, after "municipal" insert "**primary**".

Page 2, between lines 32 and 33, begin a new paragraph and insert:
"(b) Except as provided in subsection (c), whenever more than one (1) municipality in a county conducts a municipal election, the seventy-five percent (75%) of expenses that are not chargeable directly to any particular municipality under section 8 of this chapter must be apportioned to each municipality in the same ratio that the number of voters who cast a ballot in the municipality at the municipal election bears to the total number of voters who cast a ballot in all of the municipalities in the county that conducted a municipal election."

Page 2, line 33, delete "(b)" and insert "(c)".

Page 9, delete lines 37 through 42.

Delete pages 10 through 11.

Page 12, delete line 1.

Page 12, line 31, delete "[EFFECTIVE JULY 1, 2004]" and insert "[EFFECTIVE UPON PASSAGE]".

Page 20, line 19, delete "[EFFECTIVE JULY 1, 2004]" and insert "[EFFECTIVE UPON PASSAGE]".

Page 21, line 3, delete "[EFFECTIVE]".

Page 21, line 4, delete "JULY 1, 2004]" and insert "[EFFECTIVE UPON PASSAGE]".

Page 21, line 13, after "clerk" insert "**or a satellite office of the circuit court clerk established under IC 3-11-10-26.3**".

C
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Y



Renumber all SECTIONS consecutively.
and when so amended that said bill do pass.

(Reference is to SB 71 as introduced.)

LAWSON C, Chairperson

Committee Vote: Yeas 8, Nays 0.

**C
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COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred Senate Bill 71, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, line 5, strike "and judges".

Page 4, line 24, delete "after the individual completes emergency" and insert "**if the county election board determines that there is insufficient time to conduct the training required by this section.**".

Page 4, delete lines 25 through 27.

Page 15, between lines 39 and 40, begin a new line block indented and insert:

"(13) Either of the following who have been issued credentials signed by the members of the county election board:

(A) The county chairman of a political party.

(B) The county vice chairman of a political party."

Page 18, delete lines 22 through 42.

Page 19, delete lines 1 through 6.

Page 23, line 17, delete "If" and insert "**The following apply** if".

Page 23, line 18, delete "question, the" and insert "question:

(A) The".

Page 23, line 20, delete "," and insert ".".

Page 23, line 20, strike "and".

Page 23, line 20, after "and" begin a new line double block indented and insert:

"(B) If the referendum is held at a primary or general election, another referendum under this subsection may not be held before the earlier of:

(i) the next primary election or general election that occurs at least eleven (11) months after the date of the referendum; or

(ii) one (1) year after the date of the referendum.

(C) If the referendum is held at a special election,".

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 71 as printed January 9, 2004.)

MAHERN, Chair

Committee Vote: yeas 10, nays 0.

ES 71—LS 6251/DI 75+



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